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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Franklin E. Boyer

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EXAMINER

YIMAM, HARUN M

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,494

Applicant(s)

BOYER ET AL.

Examiner

Harun M. Yimam

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2623

Note to Applicant

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/15/2006 has been entered.

Response to Arguments

2. Applicant's arguments filed 06/15/2006 with respect to claims 1 – 11 and 13 – 35 have been fully considered. Although a new grounds of rejection has been used to address additional limitations that have been added to claim 1, a response is considered necessary for several of applicant's arguments since the current prior arts of record will continue to be used to meet several claimed limitations.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 13-16, 19-23, and 25-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6,002,394) in view of Knee (US 5,589,892).

Considering claim 1, Schein discloses an internet television program guide system (400 in figure 15, column 4, lines 17-23, and column 20, lines 64-67) for providing television program listings (8 HBO - WHALES, 9 FOX - MYSTERY, etc in figure 16A) with real-time data embedded within the television program listings (News, Weather, Sports, Scores, etc—column 17, lines 47-53) and additional real-time data (sports scores, current game stats, current player stats, etc—column 17, line 62 – column 18, line 6) to a user at a multimedia system (402 in figure 15—PCTV, column 19, line 67 – column 20, line 4) over an Internet communications link (406 in figure 15 – column 20, lines 3-9 and 18-21), comprising:

a computer system (browser database—412 in figure 15, at a broadcasting facility—column 20, lines 12-17) for providing television program listings with real-time data embedded within the television program listings and additional real-time data,

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wherein said computer system comprises computer readable media for storing said television program listings with embedded real-time data and said additional real-time data (sports scores, current game stats, current player stats, etc—column 17, line 62 – column 18, line 6); and

a web server (network server—column 20, lines 3-7) for receiving the television program listings with embedded real-time data and the additional real-time data from the computer system, and for transmitting the television program listings with embedded real-time data and the additional real-time data to the multimedia system over the Internet communications link when the user accesses the television program listings with embedded real-time data using the multimedia system, said multimedia system comprising computer readable media (column 20, lines 7-9 and 18-21) for: receiving said television program listings with embedded real-time data and said additional real-time data. Schein further discloses displaying said television program listings (column 20, lines 18-28). In addition, Schein discloses a preview window (528 in figure 16A and column 22, lines 2-8) that can be used to simultaneously display **any type** of information (i.e. textual, graphics, etc...) related to the currently highlighted program.

Schein fails to disclose automatically displaying said embedded real-time data with said television program listings without user input.

In analogous art, Knee discloses automatically displaying said embedded real-time data (up to the minute program status information, i.e., sports score - 45-58, 4:10 2nd—for Nets and Hawks game on 34 ESPN in figure 50) with said television program listings without user input (user selects sports mode to display sports program listings of figure 50 and said embedded real-time data i.e., sports score, is automatically displayed along with the sports program listings without user input—column 43, lines 19-54). Knee further discloses additional real-time data (see the “i” icon in figure 50 used to indicate additional real-time data concerning the particular real-time data—column 43, lines 29-32 and column 44, lines 29-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schein's system to include automatically displaying said embedded real-time data with said television program listings without user input, as taught by Knee, for the benefit of enhancing the television program guide by providing real-time supplemental program associated information.

As to the limitation “in response to receiving a user selection of one of said television program listings with embedded real-time data, simultaneously displaying with the television program listings and embedded real-time data, in an area of the screen outside of the program listings, said additional real-time data, wherein said additional real-time data comprises textual information related to the selected television program listing”, the combination of Schein and Knee would meet the claimed

limitations because Schein discloses a preview window (528 in figure 16A and column 22, lines 2-8) that can be used to simultaneously display **any type** of information (i.e. textual, graphics, etc...) related to the currently highlighted program and Knee discloses said additional real-time data. Therefore, it would have been obvious to one of ordinary skill in the art to display said additional real-time data, provided by Knee, into the preview window (528 in figure 16A) of Schein for the benefit of simultaneously displaying both real-time data and said additional real-time data to the user.

Regarding claim 2, it is met by the combination of Schein and Knee. In particular, Schein discloses that the computer system comprises a media library (movie archive) containing video clips (column 24, lines 51-55).

As for claim 3, it is met by the combination of Schein and Knee. In particular, Schein discloses that the computer system comprises a data server (browser database) on which at least part of the program listings are stored (412 in figure 15—column 20, lines 14-17 and 57-63).

With regards to claim 4, it is met by the combination of Schein and Knee. In particular, Schein discloses that the computer system comprises means for receiving the real-time data from a real-time data processing facility (the browser database, computer system, gets its real-time program information from the television station broadcaster 412: data processing facility—column 20, lines 14-17 and 57-63).

Considering claim 5, it is met by the combination of Schein and Knee. In particular, Schein discloses that the real-time data processing facility supplies real-time sports scores (column 17, lines 62-66 and column 20, lines 57-63).

Regarding claim 6, it is met by the combination of Schein and Knee. In particular, Schein discloses that the real-time data processing facility supplies real-time weather data (column 17, lines 47-53 and column 23, lines 49-53).

Considering claim 13, it is met by the combination of Schein and Knee. In particular, Schein discloses means for providing a go national option that the user selects to receive real-time data embedded within national television program listings (special services that provide national real-time data, such as national weather, etc—column 23, lines 37-55).

With regards to claim 14, it is met by the combination of Schein and Knee. In particular, Schein discloses means for providing a go satellite option that the user selects to receive real-time data embedded within satellite television program listings (column 5, 52-65).

Regarding claim 15, it is met by the combination of Schein and Knee. In particular, Schein discloses means for providing a go local option that the user selects

to receive real-time data embedded within local television program listings (special services that provide local real-time data, such as local traffic—column 14, lines 35-44 and column 23, lines 37-55).

Considering claim 16, it is met by the combination of Schein. In particular, Schein discloses means for selecting a locality for the local television program listings (column 19, lines 8-11).

Considering claim 19, it is met by the combination of Schein and Knee. In particular, Schein discloses means for presenting a pick again web page when television program listings are not available for the selected locality (the pick again web page reads on the television guide website that allows the user to make a selection from one geographic area to another by city, state, region, or time zone—column 19, lines 1-11. A certain programming that is available at a certain time in a particularly selected geographic area would not necessarily be concurrently available in another geographic area. Therefore, the operation of Schein meets the claimed limitation).

Regarding claim 20, it is met by the combination of Schein and Knee. In particular, Schein discloses means for providing a program guide option (one or more icons or visual indicators are displayed on a television screen that represent a television program guide, a commercial sponsor, etc—column 20, lines 30-34); and means for presenting a program guide menu web page when the user selects the

program guide option (a program related internet site is accessed directly from the EPG by means of the PCTV—column 8, lines 3-7 and column 20, lines 34-36).

With regards to claim 21, it is met by the combination of Schein and Knee. In particular, Schein further discloses means for providing a selectable option to arrange the television program listings by time (column 11, line 36 and 45-46).

Considering claim 22, it is met by the combination of Schein and Knee. In particular, Schein discloses means for providing a selectable option to arrange the television program listings by channel (column 18, lines 54-58).

As for claim 23, it is met by the combination of Schein and Knee. In particular, Schein discloses means for providing a selectable option to arrange the television program listings by category (column 18, lines 54-58).

Regarding claim 25, it is met by the combination of Schein and Knee. In particular, Schein discloses means for searching the television program listings (column 20, lines 18-21).

With regards to claim 26, it is met by the combination of Schein and Knee. In particular, Schein discloses means for searching the television program listings by title (column 16, lines 5-9).

Considering claim 27, it is met by the combination of Schein and Knee. In particular, Schein discloses means for searching the television program listings by category (column 11, lines 24-27 and 45-46).

As for claim 28, it is met by the combination of Schein and Knee. In particular, Schein discloses means for allowing a user to select a given one of the television program listings with embedded real-time data (column 10, lines 47-49 and column 19, lines 8-18).

Regarding claim 29, it is met by the combination of Schein and Knee. In particular, Schein discloses means for providing supplemental information on the selected television program listing with embedded real-time data (the program info menu is the supplemental information—column 22, lines 44-59).

With regards to claim 30, it is met by the combination of Schein and Knee. In particular, Schein discloses that the supplemental information is real-time information on same display screen (see Fig 17B and column 22, lines 44-59).

Considering claim 31, it is met by the combination of Schein and Knee. In particular, Schein discloses that the supplemental information is real-time and non-real-time information on a web page (column 2, lines 46-49).

As for claim 32, it is met by the combination of Schein and Knee. In particular, Schein discloses that the computer system further comprises means for providing multimedia material associated with a television program selected by the user to a web server (network server—406 in figure 15 and column 20, lines 3-7. And the multimedia system (PCTV—402 in figure 15) includes a means for accessing television program listings from a remote database, browser database, in the computer system, which is coupled to the web server, based on user selection—column 20, lines 18-21).

Regarding claim 33, it is met by the combination of Schein and Knee. In particular, Schein discloses that the means for providing multimedia material comprises means for providing interview video segments (column 19, lines 47-51).

With regards to claim 34, it is met by the combination of Schein and Knee. In particular, Schein discloses a satellite transmission link between the computer system and the web server (column 5, lines 52-65 and column 12, lines 61-64).

Considering claim 35, it is met by the combination of Schein and Knee. In particular, Schein discloses that the Internet communications link comprises a telephone line; and the web server provides web pages to the multimedia system over the telephone line (404 in figure 15—column 20, lines 3-21).

5. Claims 7-11, 17, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6,002,394) in view of Knee (US 5,589,892), as applied to claim 1 above, and further in view of Ward (US 6,756,997).

Considering claim 7, Schein and Knee disclose an television program guide system (Schein—400 in figure 15 and column 4, lines 17-23) for providing television program listings with embedded real-time data (Schein—column 6, lines 46-47) to a user at a multimedia system (Schein—402 in figure 15—PCTV, column 19, line 66 - column 20, line 4) over an Internet communications link (Schein—404 in figure 15—column 20, lines 4-5), comprising: a computer system (Schein—browser database—412 in figure 15, at a broadcasting facility—column 20, lines 12-17) for providing television program listings with embedded real-time data,

Schein and Knee fail to disclose that the computer system comprises means for providing real-time data containing textual information.

In analogous art, Ward discloses means for providing real-time data (real-time advertisement—column 30, lines 63-65) containing textual information (column 33, line 62 – column 34, line 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Schein and Knee to include

textual information, as taught by Ward, for the benefit of presenting advertisements in different forms.

Claim 8 is met by the combination of Schein, Knee and Ward. In particular, Ward discloses that the computer system comprises means for providing real-time data containing video images (column 33, line 62 – column 34, line 1).

Claim 9 is met by the combination of Schein, Knee and Ward. In particular, Ward discloses that the computer system comprises means for providing real-time data containing video clips (column 33, line 62 – column 34, line 1).

Claim 10 is met by the combination of Schein, Knee and Ward. In particular, Ward discloses that the computer system comprises means for providing real-time data containing audio clips (column 33, line 62 – column 34, line 1).

Claim 11 is met by the combination of Schein, Knee and Ward. In particular, Ward discloses that the computer system comprises means for providing real-time data containing combinations of textual information, video clips, video images, and audio clips (column 33, line 62 – column 34, line 1).

As for claim 17, Schein and Knee fail to disclose means for selecting a locality comprising means for accepting a zip code from which the locality is determined.

In analogous art, Ward discloses means for selecting a locality comprising means for accepting a zip code from which the locality is determined (column 27, lines 65-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Schein and Knee to include a zip code accepting means, as taught by Ward, for the benefit of accessing targeted television programs.

As for claim 24, Schein and Knee fail to disclose that one of the categories for the television program listings is sports.

In analogous art, Ward discloses that one of the categories for the television program listings is sports (column 24, lines 61-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Schein and Knee to include sports as one of the categories, as taught by Ward, for the benefit of providing a user different categories of interest for viewing a television program.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6,002,394) in view of Knee (US 5,589,892), as applied to claim 1 above, and further in view of Moncreiff (US 5,828,839).

As for claim 18, Schein and Knee disclose means for selecting a locality comprises means for selecting a local region (Schein—column 19, lines 8-11).

Schein and Knee fail to disclose means for selecting a locality comprises means for selecting a local region from **a map**.

In analogous art, Moncreiff discloses means for selecting a locality comprises means for selecting a local region from **a map** (column 5, lines 6-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Schein and Knee to include means for selecting a local region from **a map**, as taught by Moncreiff, for the benefit of easily accessing local television programs using a visual geographic feature.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HMY


HAITRAN
PRIMARY EXAMINER